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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,062	05/21/2001	Shinichi Odake	A-399	7594
802	7590	11/25/2003		
DELLETT AND WALTERS 310 S.W. FOURTH AVENUE SUITE 1101 PORTLAND, OR 97204			EXAMINER COBURN, CORBETT B	
			ART UNIT	PAPER NUMBER
			3714	18
DATE MAILED: 11/25/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/863,062

Applicant(s)

ODAKE ET AL.

Examiner

Corbett B. Coburn

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 18-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 18 is objected to because of the following informalities: Claim 18 contains the phrase "making a judgment of whether or not a predetermined task concerning to photographing given to the player can be achieved". This is grammatically incorrect. Examiner believes the phrase to mean, "making a judgment concerning whether the player has accomplished a predetermined photographic task." Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 18 & 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 18 recites the limitation "said target" in line 27. There is insufficient antecedent basis for this limitation in the claim. There is no previous indication that any portion of the game screen is designated as a "target".

4. Claim 29 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 29 recites the limitation "said light emitting section" in line 2. There is insufficient antecedent basis for this limitation in the claim. There is no structure in claims 19 or 23 to which this can possibly correspond. Examiner assumes that Claim 29 should actually depend from claim 20, which does have the corresponding structure.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 18 & 22 are rejected under 35 U.S.C. 102(a) as being anticipated by Takashi et al. (JP 2000-262751).

**Claim 18:** Takashi teaches a photo shooting game with a simulated camera input device (105) allowing a subject included in a photo shooting range to be seen through a window (finder). The window is part of the input device. The input device has a shutter switch through which a player provides instruction to take a photograph. (Abstract) There is a photo shooting position detection mechanism detecting as a photo shooting position a selected position on the game screen at which the simulated camera input device is pointed. (Fig 9) There is a display device (102) displaying a predetermined game screen including a target to be photographed. (Fig 8) There is a game operation section (CPU 120) that performs predetermined game operations (i.e., cropping and evaluation, etc.) based on the photo shooting position detected by the photo shooting position detection mechanism. There is an image generating unit for generating image data of the game screen to be displayed on the display device – the existence of the images means they must be generated. There is a photographed image extraction unit for cutting off as an imitational photographed image an image on the game screen included in a predetermined range centering on the photo shooting position detected by the photo

Art Unit: 3714

shooting detection mechanism where the cut off image is less than the entire display screen. (Paragraph 0006) There is a photographing judgment unit for making a judgment of whether or not a predetermined photographic task has been achieved by the player by comparing the display position of the target included in the game screen with the shooting position detected by the shooting position detection mechanism. (0006 – 0007)

**Claim 22:** The input device is operated by the player by maintaining an almost constant distance between the display screen of the display device – Fig 1 shows the input device mounted on a mechanical stand that maintains a constant distance from the screen. The photographed image extracting unit defines as the photo shooting range a definite area centering around the photo shooting position. (Figs 10 & 11)

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 19, 21 & 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takashi as applied to claim 18 in view of Igarashi et al. (US Patent Number 5,569,085).

**Claim 19:** Takashi teaches the invention substantially as claimed (including a raster scan display) but appears to teach a mechanical means for detecting the photo shooting position instead of an electrical means. Igarashi teaches an electrical position-detection means. There is a light receiving unit (26) is placed in the input device that detects

Art Unit: 3714

directive incident light. The screen lighting unit emits light when the switch is operated and the position-detecting unit determines the aim point based on the timing of the light detected by the light-receiving unit. (Col 4, 34-53) Electrical position-detecting units are extremely well known in the art. They allow greater flexibility to the player because there is minimal mechanical constraint placed on the movement of the input device. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Takashi to include the electrical position-detecting unit described in Igarashi (including a light receiving unit placed in the input device that detects directive incident light, a screen lighting unit that emits light when the switch is operated where the position-detecting unit determines the aim point based on the timing of the light detected by the light-receiving unit)

**Claim 21:** Takashi teaches the invention substantially as claimed. Takashi teaches the photographed image-extracting unit cuts off image data included in a predetermined photo shooting range including the photo shooting position out of image data (i.e., crops the image, paragraph 0006) when the player pushes the shutter button. Takashi fails to teach an electrical position-detection method. Igarashi teaches causing the screen to flash (i.e., causing a non-light-emission screen to be displayed before or after a timing of emitting light and making the screen emit light) in order to perform detection of the aiming position. (Col 6, 13-67) This flashing of the screen is necessary for the electronic position-detection unit to work. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Takashi to cause the screen to flash

Art Unit: 3714

in order to implement the electronic position-detection unit described by Igarashi thus allowing greater flexibility to the player.

**Claim 25:** Claim 25 is a combination of claims 18 & 22, which see.

**Claim 26:** Claim 26 is the method of operating the device described in claim 25. The method of operating the device is obvious from the function of the device.

**Claim 27:** Claim 27 is the program for operating the device described in claim 25. The program for operating the device is obvious from the function of the device.

**Claim 28:** Igarashi teaches that the position-detection mechanism detects the selected position on the screen based on timing of detecting light by the light-receiving unit placed in the input device when the screen is made to emit light. (Col 4, 34-53)

9. Claims 20 & 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takashi as applied to claim 18 above, and further in view of Villa (US Patent Number 4,257,612).

**Claim 20:** Takashi teaches the invention substantially as claimed (including a raster scan display and a photographing unit for taking an electronic photograph of the screen) but appears to teach a mechanical means for detecting the photo shooting position instead of an electrical means. Villa, another target game, teaches an electrical position-detection means. (Fig 1) There is a light emitting section (28) that is placed in the input device and launches directive light toward the screen of the display device (LED 46). There is a position-detecting unit (34) for detecting the shooting position by detecting a position on the screen that is reached by the light emitted by the input device. There is a translucent member (32) between the light emitting device and the display device (LED 46).

Electrical position-detecting units are extremely well known in the art. They allow

Art Unit: 3714

greater flexibility to the player because there is minimal mechanical constraint placed on the movement of the input device. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Takashi to include the electrical position-detecting unit described in Villa (including a light emitting section that is placed in the input device and launches directive light toward the screen of the display device; a position-detecting unit for detecting the shooting position by detecting a position on the screen that is reached by the light emitted by the input device and a translucent member between the light emitting device and the display device) in order to allow greater flexibility to the player.

**Claim 29:** Villa teaches that the light-emitting section (LED 28) is infrared. (Col 2, 64)

10. Claims 23 & 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takashi and Igarashi as applied to claim 19 above, and further in view of Becker (US Patent Number 4,844,476).

**Claim 23:** Takashi and Igarashi teach the invention substantially as claimed, but do not specifically teach delaying timing of emitting light by at least one screen and inserting a game screen between any two consecutive screens that might be made to emit light by the screen lighting unit to prevent merging thereof into a continuous screen emitting light.

Blinking is a well-known problem. One flash of the monitor is not perceptible to the human eye because it does not last long enough. If, however, two or more flashes occur in a row, the player can perceive a blink on the monitor. There is only one solution to this problem – inserting an image between flashes of the screen. Becker teaches this solution. (Col 12, 15-17) It would have been obvious to one of ordinary skill in the art at



Art Unit: 3714

the time of the invention to have modified the invention taught by Takashi and Igarashi to display at least game image between monitor flashes as taught by Becker in order to prevent a perceptible blink of the monitor.

**Claim 24:** Takashi teaches the invention substantially as claimed, but does not teach a plurality of input devices. Igarashi teaches a plurality of input devices. Fig 1. This allows players to compete against each other. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Takashi to include a plurality of input devices as suggested by Igarashi in order to allow players to compete.

***Conclusion***

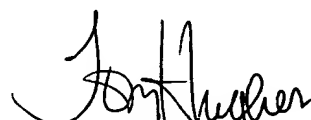
11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Takahashi (US Patent Number 5,589,120) teaches a translucent member between the light emitting section and display screen.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (703) 305-3319. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

  
cbc

  
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